

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. In the current response, the Applicants have amended Claims 1 and 11. Support for the amendment can be found, *e.g.*, in paragraphs 27 and 30 of the original specification. No other claims have been canceled or added. Accordingly, Claims 1-20 are currently pending in the application.

I. Formal Matters

The originally submitted specification did not include details of a related application incorporated by reference. Please amend the specification as noted above to include the details of the related application incorporated by reference.

II. Rejection of Claims 1-3, 5-9, 11-13, and 15-19 under 35 U.S.C. §102

The Examiner has rejected Claims 1-3, 5-9, 11-13, and 15-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,568,644 to Nelson, *et al.* (hereinafter "Nelson") in view of U.S. Patent No. 5,371,742 to Brown, *et al.* (hereinafter "Brown"). The Applicants believe the invention as presently claimed, however, is neither shown nor suggested in the cited combination of Nelson and Brown as applied by the Examiner. More specifically, the Applicants fail to find where the cited portions of the cited combination teach or suggest abstracting groups of status indicators directly from a hierarchical register consolidation structure to form a condition management data structure as recited in now amended independent Claims 1 and 11.

The Examiner relies on Figure 1A and column 1, lines 51-59, column 3, lines 9-15 and column 3, lines 31-44 of Nelson to teach a condition management structure associated with a

hierarchical register consolidation structure. (See Examiner's Action of March 20, 2008, page 3.) As applied here by the Examiner and noted in the Abstract and column 2, lines 24-26 of Nelson, Nelson is directed to and teaches abstracting an interrupting dispatching function from device drivers, removing the need for the device drivers to contain dispatching code and thereby allowing the device drivers to only need to contain interrupt handling code specific to the device itself. Claim 11, however, has been amended to more clearly point out abstracting groups of status indicators directly from a hierarchical register consolidation structure. Similarly, Claim 1 has been amended to more clearly point out that a condition management structure, separate from a hierarchical register consolidation structure, contains groups of status indicators abstracted directly from the hierarchical register consolidation structure. As such, the invention as presently claimed, abstracts directly from a hierarchical register consolidation structure and not from a set of device drivers as taught and suggested by Nelson. Thus, Nelson does not teach or suggest every element of presently amended independent Claims 1 and 11.

Brown has not been cited to cure this deficiency of Nelson, but rather to teach a hierarchical register consolidation structure. (See Examiner's Action of March 20, 2008, page 4.) As such, the cited combination of Nelson and Brown does not establish a *prima facie* case of obviousness for presently amended independent Claims 1 and 11 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-3, 5-9, 11-13, and 15-19 and allow issuance thereof.

III. Rejection of Claims 4, 10, 14, and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 4, 10, 14, and 20 under 35 U.S.C. §103(a) as being unpatentable over Nelson and Brown as applied to Claims 1 and 11, and further in view of: U.S. Patent No. 5,805,889 to Van De Vanter (hereinafter "Van De Vanter") for Claims 4 and 14; and U.S. Patent No. 4,768,149 to Konopik, *et al.* (hereinafter "Konopik") for Claims 10 and 20. As established above, the cited combination of Nelson and Brown, as applied by the Examiner, does not provide a *prima facie* case of obviousness for presently amended independent Claims 1 and 11. Neither Van De Vanter nor Konopik have been cited to cure the above-noted deficiencies of the cited combination of Nelson and Brown but to teach logically abstracted data is a text message and multiple callbacks, respectively. (See Examiner's Action of March 20, 2008, pages 6-7.) As such, the cited combination of Nelson and Brown with either Van De Vanter or Konopik does not establish a *prima facie* case of obviousness for presently amended independent Claims 1 and 11 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 4, 10, 14, and 20 and allow issuance thereof.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink that reads "Steven J. Hanke". The signature is written in a cursive, slightly slanted style.

Steven J. Hanke
Registration No. 58,076

Dated: June 10, 2008

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800